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The Senate and the CIA

THE HOT AND HEAVY protests which followed disclosure of the CIA's subversion in Chile have produced an official affirmation of "dirty tricks" of unprecedented scope and explicitness. Mr. Ford reacted two weeks ago not only by acknowledging an American role in the overthrow of the Allende government but by declaring his readiness to take future "actions in the intelligence field." No American President had previously either defended a particular operation or justified such operations as a whole. To be sure, it was not the substance of what Mr. Ford said but his public statement of it that was new. It is not surprising that a President would support established presidential policy. But the response of Congress is something else again.

We print on this page today excerpts from a historical Senate debate of last Wednesday, "historical" because it marks the first time that either house of Congress has conducted an open debate and openly voted on whether the United States should engage in secret foreign operations in peacetime, intelligence gathering aside. A leading student of the CIA, Harry Howe Ransom, wrote recently that "one searches in vain in the public records . . . for any evidence of congressional intent or acquiescence to assign the functions of foreign political action or subversion to the CIA." The "search" can now end. Last Wednesday the Senate considered an amendment by Sen. James Abourezk (D-S.D.) to end dirty tricks completely. The amendment was swamped, 68 to 17.

The CIA and its supporters can now claim—fairly, we believe—that for the first time the agency has a congressional mandate, if only from one house, for covert operations. No longer can CIA operations be regarded as an unauthorized presidential habit or cold-war carryover. Though only briefly and without hearings or committee recommendations, the Senate did join the debate and express its judgment. It was, moreover, a judgment we happen to share. As we have said, given American interests and global uncertainties, the United States should not deny itself the CIA option in all circumstances.

We think, nonetheless, that Mr. Abourezk performed

a service by forcing a vote on an issue from which most legislators have traditionally averted their eyes. The senator was under no illusion that his amendment would win. But he wished to make the Senate accept accountability for CIA operations and to establish the issue as one deserving regular review. If the CIA can now claim a new mandate for covert operations, then senators must now be ready publicly to justify their own stands. The furor over CIA activity in Chile, the Watergate disclosure that the CIA is not immune from political usage, the fading of the congressional traditionalists who have protected the CIA from critical congressional scrutiny—all these factors have opened up the issue in a major way. Sen. John Stennis (D-Miss.), one of the leading traditionalists, remarked on the change last Wednesday. "It is not an easy job that I have had on this matter," he said. "I will not relate the incidents that have come up. It was my duty, and that was it. After all, we are working for the same country."

Just what the new attitude personified by Sen. Abourezk will finally lead to is, of course, uncertain. It is noteworthy, however, that since the Chile affair became known, the administration has been conducting a kind of preemptive retreat by offering certain concessions to Congress on "oversight." Its latest move is to promise timely briefings on operations to the House Foreign Affairs Committee, as well as to the oversight committee of the Armed Services Committee. This broadens the circle of those who can offer the CIA their advice on operations, though the agency still does not ask for legislators' consent. It also broadens the circle of those whom the CIA can swear to secrecy. A legislator so sworn, who finds himself opposed to a proposed operation, will still face the intolerable choice of breaking his oath or swallowing his best judgment.

We do not think there is a good way to square the circle: to have effective public oversight of secret operations. It is a humbling contradiction for a democratic society. Sen. Abourezk's answer—to abolish secret operations and to meet all foreign threats openly and publicly or not at all—has the virtue of consistency but, in our view, falls short in terms of policy. The portions of the debate published here today indicate, if nothing else, just how difficult the issue is.